

1 UNITED STATES DISTRICT COURT  
2 WESTERN DISTRICT OF WASHINGTON  
3 AT SEATTLE  
4

5 UNITED STATES OF AMERICA, ) NO. CR12-001 RSL  
6 )  
6 Plaintiff, )  
7 )  
7 vs. ) September 14, 2012  
8 ) Seattle, Washington  
8 TIMOTHY DORAN, ) 1:30 p.m.  
9 )  
9 Defendant. )

10  
11 TRANSCRIPT OF STATUS CONFERENCE PROCEEDINGS  
12 BEFORE THE HONORABLE ROBERT S. LASNIK  
13 UNITED STATES DISTRICT COURT JUDGE  
14

13 For the Plaintiff: MR.BRIAN WERNER  
14 -and-  
15 MR. ANDREW FRIEDMAN  
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24

25 (Proceedings recorded by mechanical stenography;  
transcript produced with aid of computer.)

1 (Defendant Present, in Custody)

2 THE CLERK: All rise. Court is again in  
3 session, the Honorable Robert S. Lasnik presiding.

4 THE COURT: Thank you. Please be seated.

5 THE CLERK: Case CR 12-001, *United States versus*  
6 *Timothy Doran*.

7 Counsel, would you please make your appearances.

8 MR. WERNER: Good afternoon, Your Honor. Brian  
9 Werner and Andrew Friedman on behalf of the United  
10 States.

11 THE COURT: Welcome, Counsel.

12 MR. MARCHI: Good afternoon, Your Honor.  
13 Nicholas Marchi on behalf of the Defendant, Mr. Doran.

14 THE COURT: Hi, Mr. Marchi and Mr. Doran.

15 There was a request for a status conference in the  
16 case, which I think was a good idea, so I granted it.  
17 And I think that there's also a number of motions that  
18 are before me: A motion from the Defendant to continue  
19 the trial date, a motion regarding the disclosure for  
20 404(b) evidence, and then the motion for the status  
21 conference, which I've already granted, and that's why  
22 we're here.

23 So let's do the motion on the trial date first.  
24 Mr. Marchi, you've seen the government's response here  
25 that we don't need a continuance of the trial date; we

1 might need a continuance of the sentencing. So tell me  
2 what the situation is.

3 MR. MARCHI: Yes, Your Honor.

4 Your Honor, we did file a motion to continue. As the  
5 Court is aware, the reason for the continuance is  
6 Mr. Doran and I had requested additional information so  
7 that he can make a knowing and intelligent decision to  
8 enter a guilty plea. In discussing the matter with  
9 Mr. Doran, including today, and given some of the  
10 responses that we've gotten from the government, I  
11 believe that Mr. Doran is going to enter an open plea to  
12 the indictment.

13 From my understanding and review of the records and  
14 what I've been informed of by prior counsel and the  
15 parties, Mr. Doran has always indicated that he wasn't  
16 seeking a trial; however, he wanted a continuance so he  
17 could get the necessary information the government may or  
18 may not have so he could make the appropriate decision.  
19 As this Court is aware, the government is alleging that  
20 Mr. Doran was involved in a murder in Vietnam, and that  
21 they're going to aggravate his sentence based on an  
22 allegation that to date we don't have a lot of  
23 information on it.

24 I would anticipate that we could enter a plea to the  
25 indictment in the near future as long as we can hammer

1 out the appropriate statements. At least the other pleas  
2 I've done open to the Court, the government usually wants  
3 some sort of factual resuscitation to support the plea.  
4 I think we can do that. Between myself and the  
5 government we can get a plea done; however, there are  
6 other discovery issue that Mr. Doran and I would like to  
7 bring up at this time. But that's where we stand on the  
8 motion to continue.

9 I might suggest that we table a ruling on the  
10 continuance for approximately 14 days so the parties can  
11 see if we can hammer out not a plea agreement, but a  
12 statement that would support a plea. My feeling is we  
13 don't need a written statement, but the government may  
14 feel otherwise.

15 THE COURT: Well, the statement that would  
16 support the plea of guilty would be a statement that only  
17 addresses the elements of the charge and would not go to  
18 anything that happened before or after.

19 MR. MARCHI: Right.

20 THE COURT: And I don't anticipate that's going  
21 to be a problem. So with that, you don't anticipate a  
22 problem either if the statement is just the elements of  
23 the crime charged?

24 MR. MARCHI: I do not anticipate a problem, Your  
25 Honor. And Mr. Doran just wants to make sure that, you

1 know, he reviews it and understands it.

2 THE COURT: Absolutely. But I don't see any  
3 reason to continue the trial if he's not going to plead  
4 guilty, because the trial is just going to go to the  
5 elements of the crime, and there doesn't seem to any  
6 discovery outstanding at least on that. If you don't  
7 want me to rule on it today, I won't rule on it today,  
8 but I can certainly tell you which way I'm leaning, which  
9 is to deny the motion to continue, and to go to trial on  
10 October 15th.

11 If there's a conviction, then I will certainly, when  
12 it come time to set the sentencing date, be agreeable to  
13 extending the sentencing date to allow you to both get  
14 the information that the government intends to rely on  
15 and also to perhaps investigate or to produce your own  
16 evidence. But in the meantime, I really don't think we  
17 should conflate the two today, which is why I haven't  
18 ruled on certain other issues that you put before me that  
19 are not the matter between -- that the government takes a  
20 stake in.

21 So, you know, I certainly expect that we will proceed  
22 on two tracks. One, to the determination of guilt, which  
23 is either going to be by a plea of guilty or a  
24 determination at trial, and then the sentencing, which is  
25 the only place that any such issues could possibly come

1 up. And the government has already indicated they do not  
2 tend to rely on any so-called 404(b)evidence, and so that  
3 motion is moot, and I don't see what else could affect  
4 the discovery for the trial date.

5 MR. MARCHI: I concur with that. The only thing  
6 I would point out, Your Honor, is we do need to conduct  
7 one interview with Detective Kim Fields, who is the  
8 Seattle police detective that Mr. Doran was reporting to.  
9 Again, that's something we can handle internally, but  
10 that would be the only discovery that I have towards the  
11 trial.

12 THE COURT: Okay. And I don't think that will  
13 be a problem to get that done.

14 All right. So is there anything else you want to  
15 bring up at the status conference today?

16 MR. MARCHI: If the Court is saying we're only  
17 going to deal with discovery issues, deal with the trial  
18 dates, then the issues that I have are -- yes, are all  
19 going to the sentencing issues. And, of course, if we're  
20 not going to address those today, than I will leave it at  
21 that.

22 THE COURT: I'd like to keep them separate, yes.

23 MR. MARCHI: I would ask for leave once we get  
24 the guilt phase done, if these discovery issues -- I will  
25 renew another request for a status conference, because I

1 will be filing additional discovery motions once the  
2 guilt phase is taken care of.

3 THE COURT: Absolutely. And if -- if there is  
4 to be a plea, and it fits with my schedule -- because I  
5 have a couple of trials coming up. But if we can work it  
6 in, let's do the plea in my courtroom, and then we can  
7 deal with it right after the plea agreement. We can go  
8 right into it, and we'll save some processing time.

9 MR. MARCHI: I would strongly encourage that,  
10 Your Honor, because I think those would address some of  
11 Mr. Doran's concerns about how this will proceed at the  
12 next phase.

13 THE COURT: That seems totally reasonable.  
14 Thanks.

15 Mr. Werner, was there anything you wanted to bring up  
16 today then?

17 MR. WERNER: No. We can't think of anything to  
18 say, Your Honor.

19 THE COURT: That never stops most of the  
20 assistants from still talking, but thank you for that.

21 MR. WERNER: I don't think that's necessary.

22 THE COURT: Great. All right. We'll be  
23 adjourned.

24 MR. MARCHI: Thank you, Your Honor.

25 (End of proceedings)